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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 IN RE X-TREME BULLETS, INC.,

7 Debtors,

Lead Case No. 3:19-cv-00637-MMD

Member Cases:

Case No. 3:19-cv-00666-MMD

Case No. 3:19-cv-00667-MMD

Case No. 3:20-cv-00117-MMD

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11 UNITED STATES OF AMERICA,  
12 DEPARTMENT OF THE TREASURY  
13 ALCOHOL AND TOBACCO TAX AND  
TRADE BUREAU,

14 Appellant,

v.

15 X-TREME BULLETS, INC., AMMO LOAD  
16 WORLDWIDE, INC., CLEARWATER  
BULLET, INC., FREEDOM MUNITIONS,  
17 LLC, HOWELL MACHINE, INC., HOWELL  
MUNITIONS & TECHNOLOGY, INC.,  
LEWIS-CLARK AMMUNITION  
18 COMPONENTS, LLC, COMPONENTS  
EXCHANGE, LLC, KASH CA, INC.; DAVID  
19 HOWELL, Z.B. N.A. dba ZIONS FIRST  
NATIONAL BANK, CFO SOLUTIONS, LLC  
20 dba ADVANCED CFO, MATTHEW  
McKINLAY AND VALERIE GRINDLE

21 Appellees.  
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ORDER

23 This consolidated bankruptcy case is before the Court on appeal by Appellant  
24 United States of America, on behalf of the Department of the Treasury, Alcohol and  
25 Tobacco Tax and Trade Bureau ("TTB"). Pending before the Court is a motion to dismiss  
26 the appeal by Appellees X-Treme Bullets, Inc., Ammo Load Worldwide, Inc., Clearwater  
27 Bullet, Inc., Freedom Munitions, LLC, Howell Machine, Inc., Howell Munitions &  
28 Technology, Inc. ("HMT"), Lewis-Clark Ammunition and Components, LLC and

1 Components Exchange, LLC, the debtors and debtors-in-possession (collectively,  
2 “Debtors”) (“MTD”). (ECF No. 22.) The MTD was filed on December 23, 2019, and appears  
3 to be fully briefed. However, the Court recently received a notice from the United States  
4 Bankruptcy Court providing that, while the record in this case is complete, there is currently  
5 a motion for relief under Fed. R. Civ. P. 59 to be decided in that court “relating to the  
6 subject of this appeal.” (ECF No. 54.) The court additionally notes that a hearing on the  
7 Rule 59 motion has been calendared for April 17, 2020. (*Id.*)


8 This Court surmises that the Rule 59 motion may very well touch upon, if not resolve  
9 some or all, the issues on appeal before this Court. The Court will therefore hold the appeal  
10 in abeyance pending the bankruptcy court’s resolution of the Rule 59 motion.

11 It is therefore ordered that this appeal is held in abeyance pending the bankruptcy  
12 court’s resolution of the Rule 59 motion before it.

13 It is further ordered that the parties are required to file a status report with this Court  
14 within 15 days of the bankruptcy court’s ruling on the Rule 59 motion. The parties’ status  
15 report must explain how the resolution of the Rule 59 motion impacts this appeal and  
16 particularly the pending MTD, if at all.

17 It is further ordered that consolidated Case No. 3:20-cv-00117-LRH should be  
18 reflected on the docket as Case No. 3:20-cv-117-MMD—it remains closed per the  
19 consolidation order (ECF No. 52).

20 DATED THIS 13<sup>th</sup> day of April 2020.

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23 MIRANDA M. DU  
24 CHIEF UNITED STATES DISTRICT JUDGE  
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